



# MINUTES

Behaviour Complaints Committee Meeting

1 September 2023

Shire of Victoria Plains  
Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2.01PM

## **DISCLAIMER:**

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

### Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

### **E – Disclaimer**

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

| <b>Commonly-used abbreviations</b> |  |
|------------------------------------|--|
| AAS / AASB                         | Australian Accounting Standard / Australian Accounting Standards Board |
| BF Act                             | Bush Fire Act 1954   |
| BFB                                | Bush fire brigade  |
| CEO                                | Chief Executive Officer  |
| CDO                                | Community Development Officer  |
| DBCA                               | Dept of Biodiversity, Conservation and Attractions                     |
| DFES                               | Dept of Fire and Emergency Services                                    |
| DPLH                               | Dept of Planning, Lands and Heritage                                   |
| DWER                               | Dept of Water and Environmental Regulation                             |
| EHO                                | Environmental Health Officer   |
| EFT                                | Electronic Funds Transfer  |
| FAM                                | Finance and Administration Manager                                     |
| JSCDL                              | Parliamentary Joint Standing Committee on Delegated Legislation        |
| LEMA                               | Local Emergency Management Arrangements                                |
| LEMC                               | Local Emergency Management Committee                                   |
| LG Act                             | Local Government Act 1995  |
| LGGC                               | WA Local Government Grant Commission                                   |
| LPP                                | Local Planning Policy  |
| LPS                                | Local Planning Scheme  |
| MOU                                | Memorandum of Understanding  |
| MRWA                               | Main Roads WA  |
| NNTT                               | National Native Title Tribunal   |
| OAG                                | Office of Auditor General  |
| OCM                                | Ordinary Council Meeting   |
| PTA                                | Public Transport Authority   |
| RRG                                | Regional Roads Group   |
| RTR                                | Roads to Recovery  |
| SAT                                | State Administrative Tribunal  |
| SEMC                               | State Emergency Management Committee                                   |
| SGC                                | Superannuation Guarantee Contribution                                  |
| SJAA                               | St John Ambulance Association  |
| SWALSC                             | South West Aboriginal Land and Sea Council                             |
| WAEC                               | WA Electoral Commission  |
| WALGA                              | WA Local Government Association  |
| WSM                                | Works and Services Manager   |

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Unconfirmed BCC Public Minutes



# MINUTES

## Behaviour Complaints Committee Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers and via E-meeting Protocol  
on 1 September 2023 commencing at 2. 01PM

### 1. DECLARATION OF OPENING

#### 1.1 Opening

The Presiding Member, Cr N Clarke, declared the meeting open at 2.01pm.

#### 1.2 Announcements by Presiding Member

Nil

### 2. REMOTE ATTENDANCE BY ELECTED MEMBERS

#### THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

#### Approval to Attend and Declaration of Confidentiality

N/A

### 3. RECORD OF ATTENDANCE

|                           |   |
|---------------------------|---|
| Members present           | Deputy Shire President - Cr N Clarke<br>Cr D Lovelock<br>Cr S Woods |
| Staff attending           | CEO - Mr S Fletcher   |
| Apologies                 | N/A   |
| Approved leave of absence | N/A   |
| Visitors                  |   |
| Members of the public     | Ms P Bantock  |

### 4. DISCLOSURES OF INTEREST

*Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.*

| Type | Item         | Person / Details |
|------|--------------|------------------|
| 3.1  | Financial    | Nil              |
| 3.2  | Proximity    | Nil              |
| 3.3  | Impartiality | Nil              |

### 5. PUBLIC QUESTION TIME

*Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.*

#### 5.1 Public Questions With Notice

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Nil

#### 5.2 Public Questions Without Notice

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Nil

## 6. CONFIRMATION OF MINUTES

### 6.1 Confirmation of Committee Meeting Minutes

#### 2309-01 Officer Recommendation / Committee Meeting

Moved: Cr S Woods

Seconded: Cr D Lovelock

That the Minutes of the following meetings:

- *Behaviour Complaints Committee Meeting held 19 April 2023*

as circulated, be **CONFIRMED** as a true and correct record,

**CARRIED BY UNANIMOUS DECISION OF COMMITTEE**

| Vote For      | Against |
|---------------|---------|
| Cr N Clarke   |         |
| Cr D Lovelock |         |
| Cr S Woods    |         |

Unconfirmed BCC Public Minutes

## 7. REPORTS REQUIRING DECISION

### 7.1 Matters Behind Closed Doors

|                                       |                          |  |     |
|---------------------------------------|--------------------------|--|-----|
| <b>File reference</b>                 |                          |  |     |
| <b>Report date</b>                    | 30 August 2023           |  |     |
| <b>Applicant/proponent</b>            | CEO (Complaints Officer) |  |     |
| <b>Officer disclosure of interest</b> | Nil                      |  |     |
| <b>Previous meeting references</b>    | BCC                      |  |     |
| <b>Prepared by</b>                    | Sean Fletcher, CEO       |  |     |
| <b>Authorised by</b>                  | CEO                      |  |     |
| <b>Attachments</b>                    |                          |  |     |
| Attachment 1                          | Page                     |  | Nil |

#### PURPOSE

The purpose of this report is to close the meeting to the public so that the Behaviour Complaints Committee can consider the status of the Plan regarding matter BC 002/22.

#### BACKGROUND

In accordance with section 5.23(2)(b) and (f)(i) the meeting is required to be dealt with behind closed doors.

Both of these sections refer to the personal affairs of a person and that if a matter disclosed, will impair the effectiveness of any lawful process regarding the contravention, or possible contravention, of a law.

#### COMMENT

As per the purpose and background to this report.

#### CONSULTATION

Council Support Officer

#### STATUTORY CONTEXT

##### Local Government Act 1995

As per the background section in this report.

#### CORPORATE CONTEXT

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Absolute majority required: No



**2309-02 Officer Recommendation / Committee Resolution**

**Moved: Cr D Lovelock**

**Seconded: Cr S Woods**

That the Behaviour Complaints Committee **CLOSES** the meeting to the public in accordance with sections 5.23(2)(b) and (f)(i) of the *Local Government Act 1995* at 2.03pm.

**CARRIED BY UNANIMOUS DECISION OF COMMITTEE**

| Vote For      | Against |
|---------------|---------|
| Cr N Clarke   |         |
| Cr D Lovelock |         |
| Cr S Woods    |         |

Ms P Bantock withdrew from the meeting at 2.03pm.

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### 7.1.1 Status of the Plan Regarding Matter BC 002/22 - Confidential

|                                       |                          |
|---------------------------------------|--------------------------|
| <b>File reference</b>                 |                          |
| <b>Report date</b>                    | 30 August 2023           |
| <b>Applicant/proponent</b>            | CEO (Complaints Officer) |
| <b>Officer disclosure of interest</b> | Nil                      |
| <b>Previous meeting references</b>    | BCC                      |
| <b>Prepared by</b>                    | Sean Fletcher, CEO       |
| <b>Authorised by</b>                  | CEO                      |
| <b>Attachments</b>                    |                          |

#### VOTING REQUIREMENTS

Absolute majority required: No

#### 2309-03 Committee Resolution

**Moved: Cr S Woods**

**Seconded: Cr D Lovelock**

That Council **SUSPEND** Standing Orders at 2.08pm to allow for Committee discussion.

#### CARRIED BY UNANIMOUS DECISION OF COMMITTEE

| Vote For      | Against |
|---------------|---------|
| Cr N Clarke   |         |
| Cr D Lovelock |         |
| Cr S Woods    |         |

#### 2309-04 Officer Recommendation / Committee Resolution

**Moved: Cr D Lovelock**

**Seconded: Cr S Woods**

1. That the Behaviour Complaints Committee **DISCUSSES** the letters received from Cr Bantock on 4 August 2023.
2. That the Behaviour Complaints Committee **REFERS** Cr Bantock's letter regarding the recording of future meetings etc to Council for its consideration.
3. That the Committee **RE-OPEN** the meeting to the public at 2.10 PM.

#### CARRIED BY UNANIMOUS DECISION OF COMMITTEE

| Vote For      | Against |
|---------------|---------|
| Cr N Clarke   |         |
| Cr D Lovelock |         |
| Cr S Woods    |         |

Ms P Bantock rejoined the meeting at 2.10pm.

**2309-05 Committee Resolution**

**Moved: Cr S Woods**

**Seconded: Cr D Lovelock**

That the Committee **RESUME** Standing Orders at 2.35pm.

**CARRIED BY UNANIMOUS DECISION OF COMMITTEE**

| Vote For      | Against |
|---------------|---------|
| Cr N Clarke   |         |
| Cr D Lovelock |         |
| Cr S Woods    |         |

Ms P Bantock departed the meeting at 2.37pm and did not return.

**8. CLOSURE OF MEETING**

There being no further business, the Presiding Member declared the meeting closed at 2.45pm.

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**CERTIFICATION**

These minutes were confirmed at the Behaviour Complaints Committee Meeting held on \_\_\_\_\_ 2023.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Presiding member at the meeting which confirmed the minutes)

**Committee Minutes are unconfirmed until they have been adopted at the following meeting of Council.**